REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

This Amendment is being filed together with a Request for Continued Examination in response to the final Official Action mailed on May 9, 2003. Claims 1-15, 17-19, 21 and 22 are currently pending in this application. Claims 1-14, 21 and 22 remain withdrawn from further consideration as being directed to the non-elected inventions while Claims 15 and 17-19 remain drawn to the elected invention.

Before turning to the issues raised in Official Action, it is noted that item "13" on the most recent form PTO-326 acknowledges the claim for priority under 35 U.S.C. § 119, but indicates that certified copies of the priority documents have not been received. However, certified copies of the two Japanese priority applications were filed on September 20, 2001. The Examiner is respectfully requested to acknowledge receipt of the certified copies of the priority documents in the next official communication.

Claims 15 and 17-19 presented in the previously filed Amendment have been rejected based on the disclosures contained in three documents -- U.S. Patent No. 6,413,233 to *Sites et al.*, U.S. Patent No. 6,146,523 to *Kenley et al.*, and U.S. Patent No. 5,935,078 to *Feierbach*.

As pointed out in the prior response, independent Claims 15 and 19 are directed to a real-time monitoring system and a controlling method for such a system

which performs real time communication with external apparatus including a plurality of medical apparatus, while controlling the external apparatus and/or displaying conditions of the external apparatus. The claimed real-time monitoring system recited in independent Claim 15 includes a communication unit which communicates with the external apparatus, a display unit which displays the conditions of the external apparatus, a control unit which controls contents to be displayed on the display unit, and a storage unit which stores one or more past communication data obtained by the communication unit. In addition, a comparison unit compares currently communicated data with past data stored in the storage unit and either outputs a non-change signal of predetermined data size or inhibits output of a signal to the control unit when the past data and the currently communicated data are identical.

The claimed method recited in independent Clam 19 involves storing one or more past communication data obtained by a communication unit for communicating with the external apparatus, controlling contents to be displayed on a display unit by a control unit, comparing currently communicated data with past data stored in the storage unit, and outputting a non-change signal of predetermined data size or inhibiting output of a signal to the control unit when the past data and the currently communicated data are identical.

Sites et al. discloses a method and apparatus for automatically monitoring and controlling a profusion hypothermia treatment. The method and apparatus

involve the use of one or more programmed computers together with mechanical and sensor subsystems. The computer system is coupled to temperature signals that are representative of temperatures at various patient locations on or within the patient. The measured temperature values are compared to a set of stored parameters in the computer system. This comparison is used to generate a comparison value for controlling a change in the temperature of the body fluid made by an extra corporeal fluid-treatment system. The body fluid is then perfused into the patient to either warm, cool or maintain the current temperature of the patient.

One of the differences between the monitoring system and method of the present invention relative to the disclosure contained in *Sites et al.* involves the comparison unit and the output that results from the performed comparison. In the present invention, the comparison unit compares currently communicated data with past data stored in the storage unit and either outputs a non-change signal of predetermined data size or inhibits output of a signal to the control unit when the past data and the currently communicated data are identical, with the non-change signal of predetermined data size being smaller than the size of the data output in case the past data and the currently communicated data are not identical. To more clearly highlight this difference, independent Claim 15 has been amended to recite that the in the case of the non-change signal of predetermined data size, the comparison unit outputs a non-change signal that is smaller than the size of the data output in case the past data and the currently communicated data are not identical.

independent Claim 19 has also been amended to recite that in the case of the non-change signal of predetermined data size, the output is smaller than the size of data output in case the past data and the currently communicated data are not identical. With this arrangement, it is possible to reduce the burden associated with information processing even in situations where a large number of external apparatus such as medical pumps are utilized. In addition, the amount of information that needs to be sent can be reduced as compared with the operation information from the external apparatus. This reduction of the amount of information makes it possible to reduce the burden on the information processing.

The method and apparatus disclosed in *Sites et al.* does not utilize, in combination with the other claimed features, a comparison unit similar to that recited in independent Claim 15 which either outputs a non-change signal of predetermined data size or inhibits output of a signal to the control unit when the past data and the currently communicated data are identical, with the non-change signal of predetermined data size being smaller than the size of data output in case the past data and the currently communicated data are not identical. Similarly, *Sites et al.* does not disclose a method which, together with the other claimed aspects recited in Claim 19, either outputs a non-change signal of predetermined data size smaller than the size of data output in case that the past data and the currently communicated data are not identical or inhibits output of a signal to the control unit when the past data and the currently communicated data are identical.

Turning to the disclosure contained in *Kenley et al.*, this document describes a user interface 12 for a dialysis machine that is configured to ensure that a parameter entered by a user is appropriate for the patient's treatment. *Kenley et al.* thus describes providing a touch screen 14 and hard keys 16, 18, 20 off of the touch screen to permit a change in the parameter associated with the operation of the dialysis machine. When the user selects a new parametric value on the touch screen, the user is required to press on of the hard keys. A verification routine is then performed by host and safety microprocessors to ensure that the parameter which has been entered is appropriate for the patient's treatment. Once the verification procedure has been positively performed, the user is prompted to operate another one of the hard keys to confirm the parametric change, thus causing performance of an additional verification check. If this additional verification check produces a positive result, the changed parametric value is entered into the memory to operate the dialysis machine.

Page four of the most recent Official Action refers to the discussion beginning in line 25 of column 11 of *Kenley et al.* which generally describes the aforementioned procedure. However, *Kenley et al.* does not disclose together with the other claimed features a comparison unit similar to that recited in Claim 15 which either outputs a non-change signal of predetermined data size or inhibits output of a signal to the control unit when the past data and the currently communicated data are identical. Instead, *Kenley et al.* is merely concerned with a situation in which a

user modifies a certain parameter, with the modified parameter being verified to ensure that it is appropriate for the patient's treatment. Similarly, *Kenley et al.* does not disclose, in conjunction with the other aspects of the method recited in independent Claim 19, outputting a non-change signal of predetermined data size or inhibiting output of a signal to the control unit when the past data and the currently communicated data are identical. Also, the discussion in lines 1-34 of column 7 of *Kenley et al.* does not disclose such features. To the extent *Kenley et al.* can be said to disclose some form of comparison as mentioned on page four of the Official Action, there is no disclosure about outputting a non-change signal of predetermined data size or inhibiting output of a signal to the control unit when the past data and the currently communicated data are identical, let alone outputting in the case of the non-change signal of predetermined data size, a non-change signal that is smaller than the size of data output in case the past data and the currently communicated data are not identical.

Feierbach discloses a transdermal communication system having both an internal communication device 12 implanted inside a patient's body and an external communication device 14. The internal communication device 12 is connected to a measuring device 18 which is also implanted in the patient's body. The measuring device 18 is intended to measure various physiological attributes of the patient to generate a signal received by the internal communication device 12. The internal communication device 12 performs one or more data processing operations on the

absolute signal and stores the processed data. The patient can then direct the internal communication device 12 to transfer the stored data to the external communication device 14 which then transfers the processed data to a processing station 16 at which the data is further processed and analyzed.

One difference between the claimed system and method recited in Claims 15 and 19 relative to the disclosure contained in *Feierbach* is that the system and method disclosed in *Feierbach* do not perform real time communication with external apparatus. This is evident from the discussion in column 4, lines 18-20 of *Feierbach*. In addition, *Feierbach* does not disclose a comparison unit which compares currently communicated data with past data stored in the storage unit and either outputs a non-change signal of predetermined data size smaller than the size of data output in case the past data and currently communication data are not identical or inhibits output of a signal to the control unit when the past data and currently communicated data are identical. Nor does *Feierbach* disclose a method that involves, together with the other aspects of the method recited in independent Claim 19, the outputting of a non-change signal of predetermined data size smaller than the size of data output in case the past data and currently communicated data are not identical or inhibiting output of a signal to the control unit when the past data and the currently communicated data are identical.

In light of the foregoing, it is respectfully submitted that the claimed real-time monitoring system and real-time monitoring system controlling method recited in

independent Claims 15 and 19, as well as the various dependent claims, are patentably distinguishable over the disclosures contained in the documents relied upon in the Official Action. Accordingly, withdrawal of the rejection of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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